

OGC 75-4197
11/14/75

13 NOV 1975

MEMORANDUM FOR: General Counsel

SUBJECT: Review of the Office of General Counsel

1. As you know, recommendation number 10 of the Commission on CIA Activities Within the United States suggested that I review the composition and operation of the Office of General Counsel to ensure that the Agency's legal assistance and representation are adequate. In my letter to the President of 21 June 1975, I advised that together we had commenced such a review and that significant changes were under way. I have now reviewed your 25 September 1975 memorandum which details the measures you have taken and makes certain recommendations concerning the size of your Office, its organization and functions, as well as the role of the General Counsel. I have also reviewed the Department of Justice survey of your Office and the other attachments to your memorandum.

2. I am in general agreement with the actions you have taken to date and most of your recommendations. My specific comments, concurrences and guidelines are as follow:

a. It is my wish that you continue to broaden the role of the Office of General Counsel by reviewing ongoing projects and activities, that you review program budgets and participate in the monthly Comptroller meeting with the Deputy Directors which discusses, in part, the direction of the Agency's activities. I particularly want you to review all new projects and activities unless, of course, their legality has previously been clearly established. In addition, I want the Office of General Counsel to review all Agency regulatory issuances (including those of the Directorates and components) to ensure that they conform to existing legislation and authorities, and I endorse a complete review of the Agency's regulatory process. In this regard I understand that a new regulation delineating the role of OGC in CIA is being drafted and I urge that you incorporate the essence of these comments within it.

b. With respect to your proposed division of the OGC workload, I have no direct way of knowing whether four divisions and an executive officer is a proper division or not, but I am confident and support your view that a division of labor is undoubtedly required and that a certain amount of specialization by attorneys is necessary to facilitate the mission of your Office. Accordingly, I defer to your judgment on the number of divisions and the assignments within them.

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c. As to the total number of lawyers you need, I am in agreement with your position that is about the right number and particularly so in view of the fact that some of these will be on loan to your Office and can be returned to their parent component in the event your workload diminishes.

d. I am pleased to see that you are balancing your recruitment between attorneys from outside the Agency and from inside, and I endorse your intention to continue this practice. Your recent recruitment of inexperienced attorneys and others with diverse experience, such as Judge Advocate General Corps officers, prosecutors, and in the executive and legislative branches, indicates you have taken significant steps in line with the Commission's recommendation.

e. I note that you have initiated discussions with the four Deputies looking toward the assignment of an attorney to each Directorate. I encourage this action and would hope that there would be a mutual determination that attorneys would be so assigned as appropriate.

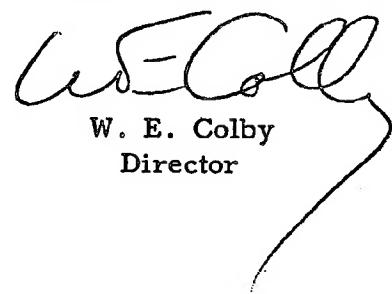
f. I agree with you that legal opinions and legal representation of the Agency should be undertaken only by attorneys assigned to the Office of General Counsel or who are directly responsible to you.

g. Also, I strongly endorse your recommendation that the General Counsel continue to be appointed by the Director of Central Intelligence and not by the President. It seems essential to me that the Director of Central Intelligence be able to choose his own counsel.

h. In your memorandum you also pointed out that I could add emphasis to both my public and intra-Agency pronouncements

that the Agency will, in fact, be governed by rule of law if I established the General Counsel position at the same relative level generally found in executive departments and other independent agencies, namely, on a par with the principal deputies. I think this step is appropriate. Accordingly, the necessary action will be taken and this will reinforce and further illustrate my view on the importance of the Office of General Counsel to the Agency's business.

3. It is my intention to send a copy of this memorandum along with your memorandum and attachments to the White House as a follow-up to my 21 June letter to the President.


W. E. Colby
Director